

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

**THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD OF PUERTO RICO,**

**as representative of THE COMMONWEALTH
OF PUERTO RICO, et al.,**

Debtors.¹

PROMESA

Title III

Case No. 17-BK-3283 (LTS)

(Jointly Administered)

**This filing relates to the
Commonwealth.**

RESPONSE TO OBJECTION TO CLAIM NO. 6315

TO THE HONORABLE COURT,

COMES NOW, SOFTEK, INC. ("SOFTEK"), through the undersigned attorney and files this Response to Objection to Claim No. 6315 as per the two hundred sixty-eighth omnibus objection (the "Two Hundred Sixty-Eighth Omnibus Objection"), respectfully represents as follows:

¹ The Debtors in these Title III cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the "Commonwealth") (Bankruptcy Case No. 17-BK-3283 (LTS)) (Last Four Digits of Federal Tax ID: 3481), (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284 (LTS)) (Last Four Digits of Federal Tax ID: 8474) (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567 (LTS)) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566 (LTS)) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-4780 (LTS)) (Last Four Digits of Federal Tax ID: 3747) and (vi) Puerto Rico Public Buildings Authority ("PBA", and together with the Commonwealth, COFINA, HTA, ERS, and PREPA, the "Debtors") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

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JURISDICTION

1. The United States District Court for the District of Puerto Rico has subject matter jurisdiction to consider this matter and the relief requested herein pursuant to PROMESA section 306(a).
2. Venue is proper in this district pursuant to PROMES section 307(a).

BACKGROUND

3. On October 23, 2020 (Docket 14915), the Oversight Board filed their Two Hundred Sixty-Eighth Omnibus Objection (Non-Substantive) of the Commonwealth of Puerto Rico to allegedly satisfied claims and alleges claim #6315 has been satisfied pursuant to check 03218063, dated 02/04/2015, as per the records of the Department of Families and Children (hereinafter ADFAM).
4. Softek, Inc. filed its proof of claim (POC #6315) on April 19, 2018 in the case of reference. Claim 6315 is based on invoice # 2015-0004 issued by SOFTEK INC. on January 31, 2015 in the amount of \$54,661.00 as provided for in the service contract #2015-000098A with the Administration of Families and Children (ADFAM) of the Commonwealth of Puerto Rico.
5. The objection to claim filed as DOC 14915 dated October 23, 2020 was filed by the FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO and includes POC #6315 in Exhibit A – Satisfied Claims, page 3 of 3 item #11. The basis of the objection is that “The records of the Department of Families and Children show that such invoice has been fully satisfied, pursuant to check No. 03218063 dated **02/04/2015**”

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6. Upon notification of the objection, SOFTEK diligently reviewed its records and could not find the payment referred to in the objection. All payments are credited to the invoice stated in the payment notice or check.

Information provided as evidence is insufficient:

1. A check number and date does not provide sufficient evidence of payment. It does not indicate if the check was paid by the bank, when or to whom.
2. The information provided in the objection does not identify the bank or the payor of the check.
3. The objection does not provide at minimum the image of the check, front and back, to determine if the check was paid by the Agency's bank, by the Puerto Rico Treasury, when, and to whom the check was deposited.
4. The invoice issued by Softek, Inc., was dated January 31, 2015 and was received by **ADFAM** on February 23, 2015 at 3:05pm according to the receipt stamp- See copy of the proof of claim and invoice attached **EXHIBIT A**.
5. According to the Objection, the check was dated February 4, 2015. Payments by this agency were normally received within 60 to 90 days of receipt of the invoice.
6. Thus, check No. 03218063, dated February 4, 2015, has no relation to the invoice received by ADFAM on February 23, 2015.

Softek, Inc. representations called PRIMECLERK to determine if there was any additional document in their files, such as cancelled checks that would serve as evidence for the allegation. Softek, Inc. was informed there was no additional documentation.

CONCLUSION

Based on the fact that there is no documentary evidence to sustain such payment, and the fact that the alleged payment occurred prior to the receipt of the invoice, (thus there is no relation between alleged check and the invoice), we respectfully request that the objection to POC #6315 filed by creditor SOFTEK INC be denied and the proof of claim be allowed as an unsecured claim.

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WHEREFORE, SOFTEK, Inc., respectfully requests, pursuant to Fed. Rule of Bankruptcy Procedure 3007(d)(1)(7), that the Honorable Court deny the objection to Proof of Claim #6315 as it **has not** been satisfied as alleged by debtor.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 9th day of November 2020.

WE HEREBY CERTIFY that, pursuant to Section D of the Court's procedures Order, as amended (*See* Dkts. No. 7941 and 9476 of Case No. 17-03283 (LTS)), on this same date, we electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all CM/ECF participants in this case. We further certify that, on this same date, we served the foregoing, by mail to the following addresses:

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